

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MANUEL BARAJAS MALDONADO,

Defendant.

Case No: CR 12-0457 SBA

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION  
REGARDING GUILTY PLEA**

Docket 22

On January 7, 2013, the Court referred this matter to Magistrate Judge Westmore ("the magistrate") for a report and recommendation on the acceptance of Defendant's guilty plea. Dkt. 21. On January 16, 2013, the Defendant appeared before the magistrate and, with the assistance of counsel, waived his right to enter a guilty plea before a district judge and instead consented to enter his plea in a hearing before the magistrate. See Dkt. 22, 23. The magistrate conducted a full hearing in the manner set forth in Federal Rule of Criminal Procedure 11. Id. After the advisements set forth in Rule 11, the Defendant entered a guilty plea in open court. Specifically, the Defendant pled guilty pursuant to a written plea agreement to Count One of the single count Indictment charging Defendant with a violation of 8 U.S.C. § 1326(a) and (b) - Deported Alien Found in the United States. Id. The magistrate found that Defendant was fully competent and capable of entering an informed plea, that he was aware of the nature of the charges and the consequences of the guilty plea, and that the guilty plea was knowing and voluntary and supported by an independent factual basis. Id.


1 On January 17, 2013, the magistrate issued a Report and Recommendation  
2 Regarding Guilty Plea in which she recommends that this Court accept Defendant's guilty  
3 plea. Dkt. 22. The Report and Recommendation advises the parties that they may serve  
4 and file specific written objections to the order within fourteen day after being served with  
5 a copy of the order. Id. No written objections to the Report and Recommendation were  
6 filed prior to the hearing. At the February 6, 2013 sentencing hearing in this matter, the  
7 parties indicated that they have no objections to the Report and Recommendation.

8 Accordingly,

9 IT IS HEREBY ORDERED THAT the magistrate's Report and Recommendation  
10 (Dkt. 22) is ACCEPTED, the Defendant's plea is accepted, and the magistrate's Report and  
11 Recommendation shall become the order of this Court.

12 IT IS SO ORDERED.

13 Dated: 2/6/13

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15 SAUNDRA BROWN ARMSTRONG  
16 United States District Judge  
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